

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/007,708 | 11/13/2001 | Robert A. Jacobsen | APTI:062 | 9924 |
| 7590 10/30/2003 | | | EXAMINER | |
| ROSSI & ASSOCIATES | | | ROGERS, DAVID A | |
| P.O. Box 826 | | | | |
| Ashburn, VA 20146-0826 | | | ART UNIT | PAPER NUMBER |
| | | | 2856 | |

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action 10007.708 | | Application No. | Applicant(s) | | | |
|--|---|----------------------------------|----------------------------------|--|--|--|
| Examin r David A. Rogers 2856 | Advisory Action | 10/007,708 | JACOBSEN ET AL. | | | |
| THE REFLY FILED 25 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to a world abandonment of this application. A proper reply to a final rejection under 37 CFR 1.118 (as timely field Another and the third proper reply to a final rejection under 37 CFR 1.118 (as timely field Another and to the proper reply to a final rejection under 37 CFR 1.118 (as timely field Another as a final rejection (RCE) in compliance with 37 CFR 1.118 (as timely field Another as a final rejection.) a) The period for reply expires 2 months from the malling date of the final rejection. b) The period for reply expires 2 months from the malling date of the final rejection. b) The period for reply expires 2 months from the malling date of the final rejection. Whicheever is later. In no expire the period of the reply expires and the standard proper and the set for this the final rejection. Whicheever is later. In no expire the period of the final rejection only CHECK THIS BOX WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). The period for reply expires and the period of actions and the corresponding amount of the fee. The appropriate extension fee where been filed is the date for purposed of determining the period of actions and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(e) is calculated from: (1) the expiration and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(e) is calculated from: (1) the expiration date of the shortened statulory period for reply digrinally set in the final Office action. (2) as extent in (1) the expiration and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.19(e). The proposed amendment(s) will not be entered because: (a) The proposed amendment(s) will not be entered because: (b) The proposed drawing correction thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The | Advisory Action | Examin r | Art Unit | | | |
| THE REPLY FILED 25 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment within places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expires 2 months from the malling date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires or. (1) the malling date of the Advancy Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the situatory period for reply expire later than SIX MONTHS from the malling date of the final rejection. ONLY CHECK THIS BOW WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). TOROTO, WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). The been filed is the rule of the date for purposed of determining the period of set months of the date for purposed of determining the period of set malling date of the final rejection. The filed on which the petition under 37 CFR 1.136(a) and appropriate extension fee has been filed in the date for purposed of determining the period of set malling date of the filed rejection of the period set of the period set of the filed reply expired the filed of period set of the period set of the period set of the period set of the filed rejection. The filed of period set of the filed rejection of the filed of period set of the filed rejection. The filed of the filed rejection of the filed of the filed rejection, even if smell filed on the filed of the filed rejection, even if smell filed on the filed of the filed rejection, even if smell filed on the filed of the filed reject | | David A. Rogers | 2856 | | | |
| Therefore, further action by the applicant is required to avoid abandoment of this application. A proper reply to a final rejection under 37 CFR 1.113 may apply be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expires 2 months from the mailing date of the final rejection. The period for reply expires 2 months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEEN THE FIRST REPLY WAS PLED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.139(a). The date on which the pedition under 37 CFR 1.138(a) and the appropriate extension fee on the have been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee under 37 CFR 1.191(i) the expiration dates of the short and statutory period for reply originally set in the final Office action. or (2) as set forth in (b) above, if checked. Any reply received by the Office fater than three months after the mailing date of the final rejection, even if timely filed, may reduce any exament patent time adjustment. See 37 CFR 1.749(i). 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.191(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they are not deemed to place the application in better form for appeal | The MAILING DATE of this communication appears on the cover sheet with the correspondence address | | | | | |
| a) The period for reply expires 2 months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire its text shall SX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Deventions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee name been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statulory period for reply originally set in the final drips as and or (2) as set forth in (5) above, if checked. Any reply research by the Office later than there emoths after the mailing date of the final rejection, even if thinly filed, may reduce any carried patient term adjustment. See 37 CFR 1.74(b). 1 A Notice of Appeal was filed on | THE REPLY FILED 25 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued | | | | | |
| b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be actuatory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(7). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (3) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1 | PERIOD FOR RE | EPLY [check either a) or b)] | | | | |
| event, however, will the statutory period for reply expire later than SIX MONTHS from the malling date of the final rejection. ONLY CHECK THIS DOX WHEN THE FIRST REPLY WAS FILED WITHIN TOW GONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extansions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they resent additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 Applicant's reply has overcome the following rejection(s): 4 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s). 5 The affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: | | | | | | |
| have been flied is the date for purposes of determining the period of extension and the corresponding among of the fee. The appropriate extension fee under (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The proposed amendment(s) will not be entered because: | event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). | | | | | |
| 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any | | | | | |
| (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 Applicant's reply has overcome the following rejection(s): 4 Newly proposed or amended claim(s), would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5 The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6 The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7 For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8 The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9 Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. | | | | | |
| (b) | 2. The proposed amendment(s) will not be entered because: | | | | | |
| (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | • • | | (see NOTE below); | | | |
| issues for appeal; and/or (d) | • | | | | | |
| NOTE: 3. | | | | | | |
| 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: Solution is approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | | | | | | |
| canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | 3. Applicant's reply has overcome the following rejection | ction(s): | | | | |
| application in condition for allowance because: 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | | d be allowable if submitted in a | separate, timely filed amendment | | | |
| 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: | | | | | |
| 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly | | | | | |
| Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. | 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an | | | | | |
| Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | The status of the claim(s) is (or will be) as follows: | | | | | |
| Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | Claim(s) allowed: | | | | | |
| Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | Claim(s) objected to: | | | | | |
| 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | Claim(s) rejected: | | | | | |
| 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | • • | | | | | |
| | 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. | | | | | |
| 10. ☑ Other: See Continuation Sheet | 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) | | | | | |
| | 10. ☑ Other: See Continuation Sheet | | | | | |
| | | | | | | |

Continuation of 10. Other: The applicant submitted an amendment after final via fax on 25 September 2003. This date was the last day for response to the final rejection mailed 25 March 2003. The amendment after final states "[t]he examiner has indicated claims 3 and 5 would be allowable if rewritten in independent form." This is not correct. The final office action rejected claims 1, 3, and 5 under 35 U.S.C. 103(a) over Shaw et al. in view of Sorenson. Claims 3 and 5 were also objected to as they depended upon claim 2, which was previously cancelled by the Applicant in paper #11. The amendment does not traverse any claim rejections, and the applicant has not provided any other documentation with regard to filing a Notice to Appeal or Request for Continued Examination as of 25 September

HEZRUN WILLIAMS

TECHNOLOGY CENTER 2800